

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2007-0568-MWD-E **TCEQ ID:** RN102944030 **CASE NO.:** 33134**RESPONDENT NAME:** Harris County Municipal Utility District No. 286

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Harris County Municipal Utility District No. 286 Wastewater Treatment Facility, approximately 4,500 feet west of Farm-to-Market Road 249 over Cypress Creek, Harris County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 17, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> <b>TCEQ Attorney/SEP Coordinator:</b> None <b>TCEQ Enforcement Coordinator:</b> Ms. Catherine Albrecht, Enforcement Division, Enforcement Team 1, R-12, (713) 767-3672; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 <b>Respondent:</b> Mr. David Geaslen, Board President, Harris County Municipal Utility District No. 286, 1300 Post Oak Boulevard, Suite 1400, Houston, Texas 77056 <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 13, 2007</p> <p><b>Date of NOE Relating to this Case:</b> March 22, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine records review. One violation was documented.</p> <p><b>WATER</b></p> <p>Failure to comply with permit effluent limits [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13020001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TEX. WATER CODE § 26.121(a)].</p>	<p><b>Total Assessed:</b> \$2,000</p> <p><b>Total Deferred:</b> \$400  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,600</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On May 2, 2006, the chlorination equipment was replaced and warranty repairs completed to allow a return to automated, flow-paced chlorination of the effluent;</p> <p>b. On September 18, 2006, cleaned debris from the clogged return activated sludge ("RAS") line and increased the return rate and inspection of the RAS line to prevent the line from clogging and impacting effluent quality; and</p> <p>c. By October 2006, achieved compliance with permitted effluent limits.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ DATES	Assigned	26-Mar-2007		
	PCW	30-Apr-2007	Screening	5-Apr-2007
		EPA Due		

RESPONDENT/FACILITY INFORMATION			
Respondent	Harris County Municipal Utility District No. 286		
Reg. Ent. Ref. No.	RN102944030		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	33134	No. of Violations	1	
Docket No.	2007-0568-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Catherine Albrecht	
Multi-Media		EC's Team	EnforcementTeam 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 **\$2,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 25% Enhancement Subtotals 2, 3, & 7 **\$500**

Notes

The Respondent has one NOV for same or similar violations and four self-reported effluent violations.

**Culpability**

No

0% Enhancement

Subtotal 4 **\$0**

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply**

25% Reduction

Subtotal 5 **\$500**

Before NOV NOV to EDRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent replaced the chlorination equipment, completed the debris removal from the return activated sludge line, and achieved compliance with the permitted effluent limits by October 2006.

0% Enhancement\*

Subtotal 6 **\$0**

Total EB Amounts

\$155

Approx. Cost of Compliance

\$7,900

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7**

Final Subtotal **\$2,000**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$2,000**

**STATUTORY LIMIT ADJUSTMENT**

Final Assessed Penalty **\$2,000**

**DEFERRAL**

20%

Reduction

Adjustment **-\$400**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY**

**\$1,600**

<b>Screening Date</b>	5-Apr-2007	<b>Docket No.</b>	2007-0568-MWD-E	<b>PCW</b>
<b>Respondent</b>	Harris County Municipal Utility District No. 286			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	33134			PCW Revision March 19, 2007
<b>Reg. Ent. Reference No.</b>	RN102944030			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Catherine Albrecht			

  

### Compliance History Worksheet

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 25%

**>> Repeat Violator (Subtotal 3)**

No
**Adjustment Percentage (Subtotal 3)** 0%

**>> Compliance History Person Classification (Subtotal 7)**

Average Performer
**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

<b>Compliance History Notes</b>	The Respondent has one NOV for same or similar violations and four self-reported effluent violations.
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**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 25%

Screening Date 5-Apr-2007

Docket No. 2007-0568-MWD-E

PCW

Respondent Harris County Municipal Utility District No. 286

Policy Revision 2 (September 2002)

Case ID No. 33134

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN102944030

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13020001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permit effluent limits. See attached table.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to comply with the effluent permit limits resulted in the exposure of an insignificant amount of contaminants which did not exceed levels protective of human health and the environment.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 2

88 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended for February 2006, April 2006, and September 2006.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$155

Violation Final Penalty Total \$2,000

This violation Final Assessed Penalty (adjusted for limits) \$2,000

## Economic Benefit Worksheet

**Respondent** Harris County Municipal Utility District No. 286  
**Case ID No.** 33134  
**Reg. Ent. Reference No.** RN102944030  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment	\$5,500	23-Feb-2006	2-May-2006	0.2	\$3	\$68	\$72
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Reported costs of the replacement of the chlorination equipment. Date required is the date of the first chlorine maximum noncompliance. Final date is the date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$2,400	18-Sep-2006	30-Sep-2006	0.0	\$4	\$79	\$83
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated costs for additional monitoring of the facility to prevent equipment failures from impacting plant performance based on \$200 per month for 12 months. Date required is the date of effluent noncompliance caused by equipment failure. Final date is the date of compliance.

Approx. Cost of Compliance

\$7,900

**TOTAL**

\$155

Respondent: Harris County Municipal Utility District  
ID Number: RN102944030  
Docket Number: 2007-0568-MWD-E  
Enf. Coordinator: Catherine Albrecht

Corresponds to Violation Number: 1

OUTFALL 001 EFFLUENT PARAMETERS

Month/Year	Total Chlorine Residual Max Limit of 4.0 (in mg/L)	TSS Daily Max Limit of 40.0 (in mg/L)
Feb-06	12.36	c
Apr-06	9.83	c
Sep-06	c	53.0

Abbreviations:  
Total Suspended Solids ("TSS")  
Maximum ("Max")  
milligram per liter ("mg/L")  
compliant ("c")





Respondent: Harris County Municipal Utility District  
ID Number: RN102944030  
Docket Number: 2007-0568-MWD-E  
Enf. Coordinator: Catherine Albrecht

Corresponds to Violation Number: 1

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Apr-06	9.83	c
Sep-06	c	53.0

Abbreviations:  
Total Suspended Solids ("TSS")  
Maximum ("Max")  
milligram per liter ("mg/L")  
compliant ("c")



## Compliance History

Customer/Respondent/Owner-Operator: CN600736953 Harris County Municipal Utility District No. 286 Classification: AVERAGE Rating: 1.63

Regulated Entity: RN102944030 HARRIS COUNTY MUD 286 Classification: AVERAGE Site Rating: 0.25

ID Number(s): UTILITIES 20637  
WASTEWATER PERMIT WQ0013020001  
WASTEWATER PERMIT TPDES0096920  
WASTEWATER PERMIT TX0096920  
WASTEWATER LICENSING LICENSE WQ0013020001

Location: Approximately 4,500 feet west of Farm-to-Market Road 249 over Cypress Creek, Harris County Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 03, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 03, 2002 to April 03, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Catherine Albrecht Phone: (713)767-3672

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 04/22/2002 (217451)  
2 05/22/2002 (217455)  
3 06/24/2002 (217458)  
4 07/17/2002 (217461)  
5 08/21/2002 (217444)  
6 08/23/2002 (217464)  
7 09/25/2002 (217467)  
8 10/21/2002 (217470)  
9 11/22/2002 (217471)  
10 12/20/2002 (217476)  
11 01/21/2003 (217480)  
12 02/21/2003 (217443)  
13 03/24/2003 (217447)  
14 04/22/2003 (217452)  
15 05/22/2003 (320376)  
16 06/23/2003 (320377)  
17 07/21/2003 (320378)  
18 07/22/2003 (126147)  
19 08/22/2003 (320379)  
20 09/22/2003 (320380)  
21 10/23/2003 (320381)  
22 11/20/2003 (320382)  
23 12/29/2003 (320383)  
24 01/23/2004 (320384)  
25 02/23/2004 (320374)  
26 03/22/2004 (320375)  
27 04/26/2004 (362886)  
28 05/24/2004 (362887)



29 06/24/2004 (362888)  
 30 07/22/2004 (362889)  
 31 09/07/2004 (362890)  
 32 09/24/2004 (362891)  
 33 10/25/2004 (362892)  
 34 11/24/2004 (387968)  
 35 12/27/2004 (362893)  
 36 01/24/2005 (387969)  
 37 02/22/2005 (387966)  
 38 03/21/2005 (387967)  
 39 04/22/2005 (425593)  
 40 05/23/2005 (425594)  
 41 06/24/2005 (425595)  
 42 07/25/2005 (425596)  
 43 08/23/2005 (446136)  
 44 09/28/2005 (446137)  
 45 10/24/2005 (478384)  
 46 11/21/2005 (478385)  
 47 12/19/2005 (435013)  
 48 12/27/2005 (478386)  
 49 01/23/2006 (478387)  
 50 02/23/2006 (478381)  
 51 03/22/2006 (478383)  
 52 04/21/2006 (504603)  
 53 05/17/2006 (504604)  
 54 06/16/2006 (504605)  
 55 07/19/2006 (504606)  
 56 08/01/2006 (489436)  
 57 08/22/2006 (526919)  
 58 09/14/2006 (526920)  
 59 10/02/2006 (514281)  
 60 10/16/2006 (526921)  
 61 03/22/2007 (543968)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/30/2003 (320378)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date: 12/16/2005 (435013)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 30 TAC Chapter 317 317.4(d)[G]  
 Description: Failure to properly maintain the clarifier.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 317 317.6(b)(1)(A)  
 30 TAC Chapter 317 317.6(b)(1)(B)  
 30 TAC Chapter 317 317.6(b)(1)(C)  
 30 TAC Chapter 317 317.6(b)(1)(D)  
 30 TAC Chapter 317 317.6(b)(1)(E)  
 30 TAC Chapter 317 317.6(b)(1)(F)  
 30 TAC Chapter 317 317.6(b)(1)(G)  
 30 TAC Chapter 317 317.6(b)(1)[G]

Description: Failure to maintain the chlorination system.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to provide accurate flow measurements.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to maintain compliance with effluent permit limits.

Date: 02/28/2006 (478383)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (504604)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter



Date: 09/30/2006 (526921)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
HARRIS COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 286  
RN102944030

§        BEFORE THE  
§  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-0568-MWD-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Harris County Municipal Utility District No. 286 ("the District") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the District appear before the Commission and together stipulate that:

1. The District owns and operates a wastewater treatment facility located approximately 4,500 feet west of Farm-to-Market Road 249 over Cypress Creek in Harris County, Texas (the "Facility").
2. The District has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the District agree that the Commission has jurisdiction to enter this Agreed Order, and that the District is subject to the Commission's jurisdiction.
4. The District received notice of the violations alleged in Section II ("Allegations") on or about March 27, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the District of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Two Thousand Dollars (\$2,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The District has paid One Thousand Six Hundred Dollars (\$1,600) of the administrative penalty and Four Hundred Dollars (\$400) is deferred contingent upon the District's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the District fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the District to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the District have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the District has implemented the following corrective measures at the Facility:
  - a. On May 2, 2006, the chlorination equipment was replaced and warranty repairs completed to allow a return to automated, flow-paced chlorination of the effluent;
  - b. On September 18, 2006, cleaned debris from the clogged return activated sludge ("RAS") line and increased the return rate and inspection of the RAS line to prevent the line from clogging and impacting effluent quality; and
  - c. By October 2006, achieved compliance with permitted effluent limits.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the District has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the District is alleged to have failed to comply with permit effluent limits, as listed below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13020001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on March 13, 2007 as indicated in the table below:



Month/Year	Total Chlorine Residual Max Limit of 4.0 (in mg/L)	TSS Daily Max Limit of 40.0 (in mg/L)
Feb-06	12.36	c
Apr-06	9.83	c
Sep-06	c	53.0

Abbreviations:

Total Suspended Solids ("TSS")

Maximum ("Max")

Milligrams per liter ("mg/L")

Compliant ("c")

### III. DENIALS

The District generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the District pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the District's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Harris County Municipal Utility District No. 286, Docket No. 2007-0568-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the District. The District is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the District in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.



5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the District, or three days after the date on which the Commission mails notice of the Order to the District, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.





Harris County Municipal Utility District No. 286  
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## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John Srdin  
For the Executive Director

10/3/07  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

David Geashen  
Signature

9/17/07  
Date

DAVID GEASHEN  
Name (Printed or typed)  
Authorized Representative of  
Harris County Municipal Utility District No. 286

PRESIDENT  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

